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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,221	03/29/2004	Gary W. James	METZ 2 00009	3033

7590 02/08/2005

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EXAMINER

STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/812,221

Applicant(s)

JAMES ET AL.

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 5, 10, 12 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11, 13, 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is the first Office Action for application number 10/812,221, Rod Hanger Adapter, filed on 3/29/04. Claims 1-15 are pending.

Election/Restrictions

Applicant's election without traverse of the Election/Restriction in the reply filed on 1/5/05 is acknowledged. Claims 1-4, 6-9, 11-13 and 15 have been elected. Claims 5, 10, 12 and 14 have been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 11, 13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4473316 to Welch.

In regards to claims 1-4, 11 and 13, the patent to Welch discloses a metal (See Col. 1 line 59 for material) hanging device including a first wall (11), having an opening (13) and a second wall (20) spaced from and at least substantially parallel to the first wall (12), wherein the second wall includes a slot (28), wherein the longitudinal axis of the opening (13) is aligned with a longitudinal axis of the slot (28), the second wall (20) being connected to the first wall (11) and a third wall (18) connecting the first and

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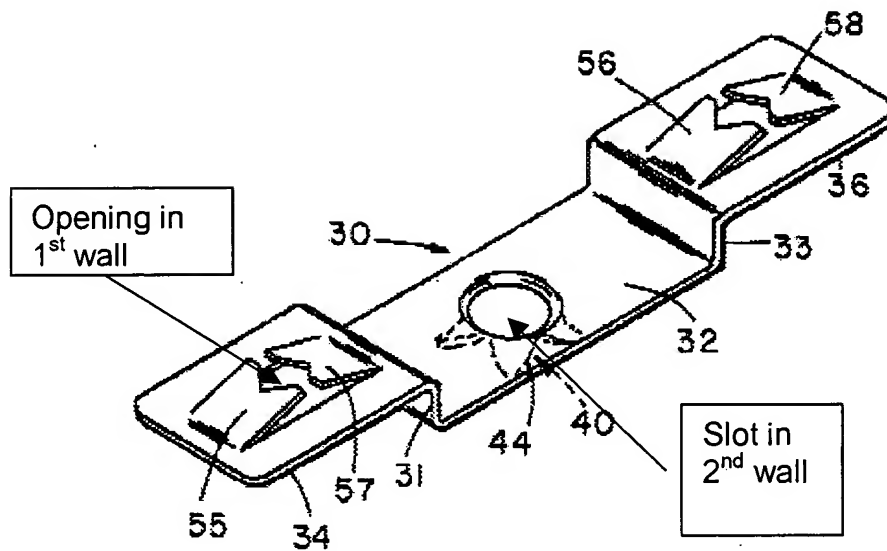
second wall, the third wall (18) being substantially perpendicular to the first and second walls and a fourth wall (12) spaced from and substantially parallel to the second wall and a fifth wall (15) connecting the second and the fourth wall. Welch also shows wherein the slot (28) extends into the third wall (18).

With regards to claim 15, Welch discloses a hanging device with a first wall (11) including an opening (13), a second wall (20) spaced from and at least substantially parallel to the first wall (11) wherein the second wall includes a slot (28), the slot extending into a fourth wall (18) which interconnects the first wall (11) to the second wall (20) and a third wall (12) spaced from and at least substantially parallel to the second wall (20) and a fifth wall (15) interconnecting the second wall to the third wall.

Claims 1-3 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5502942 to Gras et al.

Gras et al. discloses a hanging device (3) that has a first wall (34) with an opening (See Drawing Below) which includes a linear upper edge, a second wall (32) spaced from and at least substantially parallel to the first wall (34) wherein the second wall includes a slot (See Drawing Below), having a third wall (31) connecting the first wall to the second wall (32) which is substantially perpendicular to the first and second walls and a fourth wall (36) spaced from and substantially parallel to the second wall (32) and a fifth wall (33) connecting the second and the fourth wall (36), wherein the fourth wall (36) includes a notch (58) formed in a lower edge of fourth wall, wherein a longitudinal axis of the notch is aligned with a longitudinal axis of the opening.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following documents show various hanging devices

6213437 to Robbins

6109819 to Welch

5678797 to Gogan

4470716 to Welch

4460147 to Machain

3894377 to Welch

2753054 to Becher

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Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 703-308-3271. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine number for the Technology center is 703-872-9306 (formal amendments) or 703-308-3519 (informal amendments/communications).

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 703-308-2168.


Amy J. Sterling
2/5/05